IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

WP(C).No. 26688 of 2007(B)

PETITIONER:

RADHAKRISHNAN K.S.,
AGED 36, S/O.SANKARAN, KOTHOTT HOUSE,
THEKKEPURAM, KUNNAMKULAM VILLAGE,
THALAPPILLY TALUK.

BY ADV. SRI.C.PRABIN BENNY

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY ITS
SECRETARY TO GOVERNMENT,
DEPARTMENT OF LOCAL ADMINISTRATION, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE SECRETARY,
KUNNAMKULAM MUNICIPALITY,
KUNNAMKULAM, THRISSUR DISTRICT.

ADDL. 3. THE KUNNAMKULAM MUNICIPALITY REPRESENTED
BY THE SECRETARY.

ADDL. 3RD RESPONDENT IS IMPLEADED SUO MOTU AS PER ORDER DATED 11.9.07 IN THE WRIT PETITION.

R2 & R3 BY ADV. SRI.GRASHIOUS KURIAKOSE, SC
R1 BY SR.GOVT.PLEADER SRI.K.J.MOHAMMED ANZAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

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W.P.(C)No.26688 OF 2007

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DATED THIS THE 10TH OCTOBER, 2007

J U D G M E N T

Mr.Grashious Kuriakose, Standing Counsel for the Municipality submits that Ext.P2 order which is now sought to be implemented by the petitioner was cancelled by the Government and he has placed before me a photo copy of the review petition submitted by the Secretary, Communist Party of India (Marxist), Kunnamkulam Area Committee before the Government containing the order passed by the Minister on the same. It will be seen from that photo copy that the Minister has actually cancelled Ext.P2 order. The Standing Counsel submits that though formal Government Order is yet to be received by the Municipality, it would be difficult for the Municipality to implement Ext.P2 now.

2. I do find merit in the submission of the Standing Counsel that since the Government has cancelled Ext.P2, the Municipality cannot be compelled to implement Ext.P2. I therefore dismiss this Writ Petition. However, since it is seen that the petitioner is not a party to the proceedings before the Government or to Ext.P2, I direct the 1st respondent-Government to communicate to the petitioner, a copy of the order passed by the Government on the review petition submitted

by the Secretary, Communist Party of India (Marxist), Kunnamkulam Area Committee upon which only the Government cancelled Ext.P2, at the earliest and at any rate within one month of the petitioner placing copy of this judgment before the Government.

(PIUS C.KURIAKOSE, JUDGE)

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